

United States District Court
District of New Mexico

UNITED STATES OF AMERICA

V.

Javier Gutierrez, JR.

Defendant(s)

Case Number: 2:24-mj-00664-DLM

RE: Denisse Del Carmen Valadez-Franco

Material Witness

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

MAY 14 2024

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the **Material Witness** is subject to the FOLLOWING CONDITIONS OF RELEASE.

- (1) The **Material Witness** shall not commit any offenses in violation of federal, state or local law while on release in this case;
- (2) The **Material Witness** shall advise the Pretrial Services Office, in writing, prior to any change of address;
- (3) The **Material Witness** promises to appear at all proceedings as required and will be notified when to appear by either Pretrial Services, counsel for the material witness, or the court;
- (4) Abide by the following restrictions of his/her personal associations, place of abode or travel: **Travel restricted to area of residence with direct travel to the district of New Mexico for Court appearances. Pretrial Services is authorized to expand travel as deemed necessary.**
- (5) Avoid all contact with the defendant(s) in this case and the following named persons: *
- (6) Report on a regular basis as directed and comply with the directives of the UNITED STATES PRETRIAL SERVICES OFFICE ADDRESS 100 NORTH CHURCH STREET, LAS CRUCES, NEW MEXICO 88001 - (575) 528-1588 OR TELE: 1-800-758-7056
- (7) Refrain from possessing a firearm, destructive device or other dangerous weapon;
- (8) refrain from excessive use of alcohol, and any use or possession of a narcotic drug and other controlled substances defined in 21 USC section 802, unless prescribed by a licensed practitioner; and
- (9) Contact your attorney weekly or as directed.
- (10) ADDITIONAL CONDITIONS OF RELEASE:

IT IS FURTHER ORDERED THAT THE MATERIAL WITNESS BE RELEASED AS FOLLOWS:

- [X] (1) The **Material Witness** executes an unsecured bond in the sum of five thousand dollars (\$5,000) payable to the United States in the event of a failure to appear as required.
- [X] (2) The **Material Witness** shall be released for placement to the following community release program pursuant to 18 USC 3144, 18 USC 3142 and the provisions of LOCAL RULE 5.2 as contained in the Local Rules of the U.S. District Court for the District of New Mexico.

COMMUNITY RELEASE PROGRAM/HALFWAY HOUSE: DIERSEN CHARITIES 1595 WEST PICACHO AVE, LAS CRUCES, NEW MEXICO. 88005 - 575-647-1450

- [X] (3) The **Material Witness** is placed in the custody of a third party custodian approved by the Pretrial Services Office, who agrees to (a) supervise the material witness in accordance with all conditions of release, (b) to use every effort to assure the appearance of the material witness as required court proceedings, and (c) notify the court immediately in the event the material witness violates any conditions of release or disappears.

NAME OF THIRD-PARTY CUSTODIAN will be provided to all applicable parties once designated and approved by Pretrial Services.

Distribution: ♦Court ♦Material Witness ♦U.S. Attorney ♦Lawyer for Material Witness ♦Pretrial Services

IT IS FURTHER ORDERED that if the material witness is not released after 30 working days of this Order and upon motion of the detained material witness or the party who plans to call the material witness at trial, the material witness will be presented before the designated Magistrate judge for consideration of whether a video-taped deposition of the material witness should be taken in compliance with Rule 15 of the Federal Rules of Criminal Procedure, and whether after appearing before the designated Magistrate Judge and the completion of the deposition process, the material witness shall then be remanded to the custody of the U.S. Immigration and Naturalization Service for the purposes of returning the material witness to his/her country of origin.

ADVICE OF PENALTIES AND SANCTIONS

Violations of any of the foregoing conditions of release may also result in the immediate issuance of a warrant for the material witness' arrest resulting in the following possible action; revocation of release with an order of detention, as provided in 18 USC Section 3143, and possible prosecution for contempt as provided in 18 USC 401, which could result in a term of imprisonment and/or a fine.

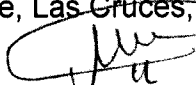
18 USC Section 1503 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to intimidate you as a witness or any other witness, juror or officer of the courts; 18 USC Section 1510,, 1512 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against any witness, victim or informant; and 18 USC Section 1513 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against any witness, victim or informant, or to threaten to do so. You shall advise the Pretrial Services Office and your lawyer immediately if you are threatened or intimidated by any individual.

ACKNOWLEDGMENT OF MATERIAL WITNESS

I acknowledge that I am a material witness in this case and that I understand the conditions of release. I promise to comply with all of the conditions of release, and to appear as directed. I further understand the penalties and sanctions set forth above. I further understand that I have the right to have a lawyer appointed to represent me at no cost to me and that I have the right not to discuss this case with anyone unless my lawyer is present or upon advice of counsel. The lawyer appointed to represent me is:

NAME OF LAWYER APPOINTED: Ramon Hernandez

ADDRESS: 1127 E. Idaho Ave, Las Cruces, NM 88001, 575-523-0144


SIGNATURE OF MATERIAL WITNESS

Denisse Del Carmen Valadez-Franco


SIGNATURE WITNESSED BY

Diana Lopez, USPO

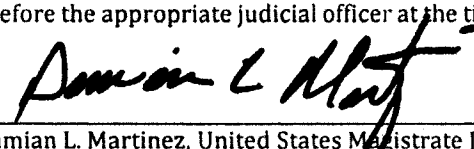
☒ [X] United States Probation Officer

☐ [] Counsel for Material Witness

DIRECTIONS TO THE U.S. MARSHAL

- ☒ [X] The material witness is ORDERED released after processing.
- ☒ [X] The United States Marshal is ORDERED to keep the material witness in custody until notified by the Clerk, Judicial Officer of Pretrial Services Officer that the material witness has posted a bond and/or complied with all other conditions for release. The material witness shall be presented before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5/14/24


Damian L. Martinez, United States Magistrate Judge

Distribution: ♦Court ♦Material Witness ♦U.S. Attorney ♦Lawyer for Material Witness ♦Pretrial Services